

C¹ corel. ~~—having the biological property of stimulating proliferation, differentiation or maturation~~
~~—of cells containing human mpl].~~

C² 15. (Thrice Amended) An isolated nucleic acid molecule [which] that is DNA and comprises a sequence encoding the amino acid sequence SPAPPACDLRVLSKLLRDSHVLHSRL (SEQ ID NO: 2) [~~—the nucleic acid molecule~~
~~—encoding the mature human mpl ligand having the biological property of stimulating~~
~~—proliferation, differentiation or maturation of cells containing human mpl].~~

16. (Twice Amended) The nucleic acid molecule of Claim 15 [further comprising a
~~—promoter operably linked to the nucleic acid molecule]~~ that is cDNA.

REMARKS

Claims 13 and 15-21 were in this case. Claims 17-21 are hereby canceled. Accordingly, Claims 13, 15 and 16 are now pending. Claims 13 and 15 have been amended to remove reference to the encoding of a full length or mature or naturally occurring mpl ligand having a certain biological property. Claim 16 has been amended to specify that the DNA is cDNA. Support for this language can be found on page 73, lines 5-7. Applicants respectfully request reconsideration of amended Claims 13, 15 and 16 pursuant to 37 CFR §1.116.

Rejection under 35 USC §112

During a telephone interview with Examiner Spector on December 27, 1996, Attorney for Applicants presented amended Claims 13 and 15-21 in which the term "mature" was deleted and new term "naturally occurring" was substituted. The purpose of this amendment was to overcome the §112 rejections of Paper No. 14. In Paper No. 15, Examiner Spector's response was as follows:

"Substitution of 'naturally occurring' for 'mature' in claims would require substantial further consideration under 112 §1."

On May 2, 1997, Attorney for Applicants telephoned Supervisory Examiner Stephen Walsh and was forwarded to Examiner David Fitzgerald. During this interview, the language of Claims 13 and 15 was discussed in general terms and the forgoing amendments are the result of that discussion.

By removing language referring to a specific form of the DNA molecule and to properties of a protein encoded thereby, Applicants believe the claims now satisfy the requirements of §112. Applicants believe the claims as amended are now in condition for allowance.

Respectfully submitted,
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